

and this will be forever its effect. I then say to the members of this Convention, and through them to the people of this State, are you to be driven from this wholesome restraint upon the judiciary, because Louis the Sixteenth was executed by a mob, and that, therefore, there might be a revolution in this country some time or another? God forbid we should be deterred by such instances of revolution and of oppression.

I will not enlarge upon the argument I have submitted to this Convention in favor of the restriction of the life tenure of office, because public sentiment upon this subject is immutable and as fixed as the mountains. Public sentiment upon that subject has been fixed for the last two ty years in this State. It first commenced its whisperings about the year 1820. Since that time it has been growing stronger and stronger, until like a mighty avalanche, it has swept away all opposition, and the entire people have been induced to believe that a life tenure is dangerous to freemen.

Mr. President, having defined my position in favor of the limitation of life tenure of office, I come to the first branch of my proposition. How are judges to be appointed? If there be any body of men in this State that I desire in my heart to see removed from all part of political excitement and passion, it is the judges. In my mind, there is a mode of appointment by which this can be secured. Heretofore our Governors have been elected from mere party considerations, and the evil has been continually growing.

Our Governors are regularly nominated by party caucuses and party cliques. Why? Because the entire patronage of the State has been in his hands. Every clerk, every register, every justice of the peace and for a long time the commissioners and the judges of the levy courts, now all the judges of the orphan's courts, and of the judges of the county courts, all, all are dependant on him. A new light has dawned upon us. This evil is to cease, this Pandora's box is to be closed. No longer are inducements to be held out to politicians in this State, to intrigue and combine men, money and station, to elevate to the office of Governor any particular man, with the expectation that he is to parcel out the patronage of the State, to the advancement of the cliques and combinations that have elevated him. Strike from the Governor all his patronage, elect your clerks and registers, and all other officers by the people. Let the Governor have no power over them, and let this Convention, by its acts, show that we will, separate from all political machinery, that branch of government, the judiciary: that we will place it out of the way of political combinations and schemes. Let the record go forth to the world that this Convention has declared, that by this high motive they have been impelled—that the judges are no longer to be the instruments of party, but are to be preserved for holier purposes, and I would like to see the Governor, with this principle announced to the world, with this act done, who would have the temerity under the circumstances, to select a judge because he belongs to the one party or the other.

The man does not breathe who would dare do so. Every inducement would impel him to select good men. Elected by no combinations, no political machinery or trickery, and to subserve no herd of office-seekers patronage, but merely to discharge the financial duties of the office of Governor, to recommend measures to the Legislature, and to watch over the interests of the State, he would appoint, from time to time, by and with the advice and consent of the Senate, the soundest and most virtuous men as judges.

Sir, I have formed an abiding conviction, that if this course is pursued in this body, then we will see a system brought into existence which will be the pride and boast of Maryland. You will avoid two extremes. You will have the limitation of the tenure of office, and you will keep your judges out of the field of politics. If the people are to elect judges, how will they be elected? They will be nominated by political caucuses, precisely in the same way that your sheriffs are now nominated. And is there a man in the State who does not see this crying evil? If there be in this State any officers, next to the judges, which ought to be removed from the influence of political prejudices and passions, they are these sheriffs of the counties. I can go into many counties and show you that if a sheriff is Democratic, nearly all the jury, petit and grand, are Democratic, and so in regard to the Whig sheriffs, who form their juries of Whigs. I can carry you into courts and show you that if a man is charged with an offence, and he stands high in his party, and the jury happen to be of opposite politics, political excitement and opinions will be introduced, and you might as well attempt to pull down the courts as to see justice done. If you wish to have your judges mixed up with politics, if you wish them to enter the political arena, elect them by the people. The same caucus which nominates a sheriff, will nominate a judge.

We can derive upon this subject no opinion from the States where it is now being tried. The State of Mississippi is quoted as authority. The opinions of men upon this subject are as various in that State as there are men who reside there. One distinguished gentleman from that State, if you ask him the result, will tell you so far as the Court of Appeals is concerned, it operates well; that where the people have to elect in a large district, and they have to depend upon the recommendations of members of the bar, who always advise them right, and they elect good judges; but when you come to the smaller districts where the people select their own candidates, they will tell you that judges are badly selected. I dare say the gentleman from Prince George's will say it is the reverse. There are gentlemen who hold the reverse of it; but I can appeal to other gentlemen who have information upon this subject, and who will agree with me, when I say that this is the opinion of some of the most intelligent men of the State of Mississippi.

Mr. BOWIE. The gentleman did not understand me. I say the reason of the thing is the reverse, where the people reside in smaller cir-